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TO SECSTATE WASHDC PRIORITY 3926

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DEPT FOR G/TIP

E.O. 12958: N/A

TAGS: [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [GT](#)
SUBJECT: DEMARCHE ON TIP TIER 2 WATCH ACTION PLAN (2007-08)

REF: A. STATE 116186

[B](#). STATE 78791

[1](#)1. Poloff delivered Ref A demarche and non-paper to Alma de Migoya, Chief of the Prosecutor's Office for Women, Unit of Adolescent and Child Victims, and Alexander Colop, prosecutor in charge of Trafficking in Persons (TIP), in the Attorney General's Office. Migoya said that her office as well as the Ministry of Foreign Affairs have been actively collaborating with civil society to address the problem of TIP.

[1](#)2. Migoya said they have collaborated with civil society in public awareness campaigns and efforts to assist victims. They have a mechanism in place for identifying trafficked victims and for referring such victims to appropriate protective services. Their Standard Operating Procedures, publicly available on the website of the Attorney General's Office, provides instructions on how to handle sex crimes, including specific provisions on TIP victims. The Guatemalan government has also collaborated with Mexico, Nicaragua, El Salvador, and Honduras to address the TIP problem, especially in the border areas.

[1](#)3. Migoya noted, however, the many challenges faced by her office, in particular the lack of formal complaints filed by trafficked victims who fear retaliation, the shortage of prosecutors and investigators, and the decentralization of the functions of her office to regional offices. She attributed the lack of raids this year to the lack of legal complaints filed by trafficked victims, explaining that her office, unlike the National Civil Police, is authorized to participate in a police raid against an alleged trafficker only if a formal complaint has been filed.

[1](#)4. She agreed that Guatemala's current anti-trafficking law, Article 194 of the Penal Code, needed to be reformed but asserted that Congress would not likely reach consensus on proposed reform during this transition year. However, she hoped that Congress would take action early in the next session, which begins in January 2008. She noted that she has approached various congressional benches to press for legislative reform to strengthen the government's ability to prosecute TIP cases.

[1](#)5. Migoya expressed appreciation for the list of recommended measures for moving Guatemala to a more favorable tier placement and our offer to collaborate on a strategy, and promised to provide statistics on TIP training for prosecutors and other measures undertaken by the government for our interim assessment.
Derham